

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments provide a clearer explanation of the difference between:

- A Medicaid disability review, which may be required periodically depending on the nature of a member’s disabling condition, and
- A Medicaid disability redetermination, which is required when a member reaches the age of 18 to apply adult disability criteria.

In most cases, disability is determined by the Social Security Administration. These policies apply when the Department is responsible for independent disability determinations for applicants and members.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on June 16, 2010, as **ARC 8864B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

These amendments do not provide for waivers in specified situations because all members should be subject to the same policy regarding disability reviews and redeterminations. The Department has an exception to policy process in rule 441—1.8(17A,217) that may be pursued should a member feel that exceptional circumstances justify a waiver of policy.

The Council on Human Services adopted these amendments on August 11, 2010.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments shall become effective on November 1, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 75.20(4) as follows:

75.20(4) ~~Redeterminations~~ Reviews of disability. In connection with any independent determination of disability, the department will determine whether reexamination of the member’s ~~medical condition~~ disability will be ~~necessary~~ required for periodic ~~redeterminations~~ of eligibility reviews. When ~~reexamination~~ a disability review is required, the member or the member’s authorized representative shall complete and submit the same forms as required in paragraph 75.20(2) “b.”

ITEM 2. Adopt the following **new** subrule 75.20(6):

75.20(6) *Disability redeterminations for members who attain age 18.* If a member is eligible based on an independent determination of disability made under the standards applicable to persons under 18 years of age, the department shall redetermine the member’s disability after the member attains the age of 18 years. The member’s disability shall be redetermined:

- a. Using the standards applicable to persons who are 18 years of age or older, and
- b. Regardless of whether a review of the member’s disability would otherwise be due.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/8/10.